



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/924,482

08/09/2001

Joseph M. Cannon

Cannon 125-113-73

2630

74402

7590

06/02/2009

IP Legal Services

1500 East Lancaster Avenue, Suite 200

P.O. Box 1027

Paoli, PA 19301

EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

06/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/924,482 | Applicant(s) CANNON ET AL. | |
| | Examiner MD S. ELAHEE | Art Unit 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 03/16/2009. Claims 1-17 are pending. Claims 1-7 have been withdrawn from consideration. Claims 18-22 have been already cancelled.

Response to Arguments

2. Applicant's arguments filed in the 03/16/2009 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 8, the phrase "said one of said plurality of wireless phones" in lines 9-10 is indefinite. There are two different "one of a plurality of wireless phones". It is unclear which "one of said plurality of wireless phones" is being referred to by the phrase.

Claim 13 is rejected for the same reasons as discussed above with respect to claim 8. Since claims 9-12 and 14-17 are dependent claims, these claims are also rejected.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 8-10 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosener et al. (U.S. Pub. No. 2002/0028655) in view of Salminen (U.S. Patent No. 6,463,286).

Regarding claims 8 and 13, with respect to Figures 1, 4, 11 and 13, Rosener teaches a method of network management, comprising:

providing hands-free functionality to one of a plurality of wireless phones participating in a piconet network, wherein said piconet network is established within a vehicle (fig.1; page 10, paragraph 0120);

registering one of said plurality of wireless phones, each registered wireless phone corresponding to an operator of said vehicle (fig.1; page 10, paragraph 0120);

receiving a request for access to a repeater [i.e., wireless hands-free gateway] from one of said plurality of wireless phones (fig.1; page 10, paragraph 0120); and

Rosener further teaches providing, by wireless hands-free gateway, hands-free functionality to said one of said plurality of wireless phones (fig.1; page 10, paragraph 0120).

However, Rosener does not specifically teach providing hands-free functionality with a priority based on whether said one of said plurality of wireless phones is a registered wireless phone. Salminen teaches providing hands-free functionality with a priority based on whether said one of said plurality of wireless phones is a registered wireless phone (col.16, lines 53-65). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rosener to incorporate the feature of providing hands-free functionality with a priority based on whether said one of said plurality of wireless phones is a registered wireless phone in Rosener's invention as taught by Salminen. The motivation for the modification is to do so in

Art Unit: 2614

order to provide the hands-free functions to a particular person based on priority of the particular person.

Claims 9 and 14 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Rosener, as applied to claims 8 and 13, teaches coordinating, by said wireless hands-free gateway, access to an external network for each of said plurality of wireless phones when said piconet network is established within the car [i.e., vehicle] (page 10, paragraph 0120).

Regarding claims 10 and 15, Rosener, as applied to claims 9 and 14, teaches determining, based on the step of registering, which of a plurality of participants in said piconet network is a current operator of said vehicle (page 11, paragraph 0138).

9. Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosener et al. in view of Kinnunen (U.S. Patent No. 6,687,517).

Regarding claims 11 and 16, Rosener, as applied to claims 10 and 15, teaches that if said one of said plurality of wireless phones is a registered wireless phone corresponding to the owner [i.e., current operator] of said vehicle, providing access to said one of said plurality of wireless phones to use of said hands-free functionality (page 10, paragraphs 0120, 0135, page 11, paragraph 0138).

However, Rosener in view of Salminen does not specifically teach denying access to any other one of said plurality of wireless phones until said one of said plurality of wireless phones has completed its use of said hands-free functionality. Kinnunen teaches denying access to any other one of said plurality of wireless phones until said one of said plurality of wireless phones has completed its use of said hands-free functionality (col.5, line 34-col.6, line 27). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rosener in view of Salminen to incorporate the feature of denying access to any other one of said plurality of wireless phones until said one of said plurality of wireless phones has completed its use of said hands-free functionality in Rosener's invention in view of Salminen's invention as taught by Kinnunen. The motivation for the modification is to do so in order to provide priority for a particular person for using the hands-free functions.

10. Claims 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosener et al. in view of Salminen further in view of Kuenzel (U.S. Patent No. 4,399,330).

Regarding claims 12 and 17, Rosener, as applied to claims 10 and 15, teaches that providing access to said hands-free functionality to a driver of a vehicle (page 10, paragraph 0120).

However, Rosener in view of Salminen does not specifically teach providing a highest priority for access to a driver of a vehicle. Kuenzel teaches providing a highest priority for access to an operator [i.e., driver] of a vehicle (col.5, lines 32-36). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rosener in view of

Art Unit: 2614

Salminen to incorporate the feature of providing a highest priority for access to a driver of a vehicle in Rosener's invention in view of Salminen's invention as taught by Kuenzel. The motivation for the modification is to do so in order to provide priority access to an authorized person for a particular function.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MD S. ELAHEE whose telephone number is (571)272-7536. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

Art Unit: 2614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MD S ELAHEE/
MD SHAFIUL ALAM ELAHEE
Primary Examiner
Art Unit 2614
June 2, 2009